

SECOND REGULAR SESSION

HOUSE BILL NO. 1914

91ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE MAYS (50).

Read 1st time February 13, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

4603L.011

AN ACT

To repeal section 386.370, RSMo, and to enact in lieu thereof one new section relating to the funding of the public service commission and office of public counsel, with an emergency clause.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 386.370, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 386.370, to read as follows:

386.370. 1. The commission shall, prior to the beginning of each fiscal year beginning with the fiscal year commencing on July 1, 1947, make an estimate of the expenses to be incurred by it during such fiscal year reasonably attributable to the regulation of public utilities as provided in chapters 386, 392 and 393, RSMo, and shall also separately estimate the amount of such expenses directly attributable to such regulation of each of the following groups of public utilities: Electrical corporations, gas corporations, water corporations, heating companies and telephone corporations, telegraph corporations, sewer corporations, and any other public utility as defined in section 386.020, as well as the amount of such expenses not directly attributable to any such group.

2. The commission shall allocate to each such group of public utilities the estimated expenses directly attributable to the regulation of such group and an amount equal to such proportion of the estimated expenses not directly attributable to any group as the gross intrastate operating revenues of such group during the preceding calendar year bears to the total gross intrastate operating revenues of all public utilities subject to the jurisdiction of the commission, as aforesaid, during such calendar year. The commission shall then assess the amount so allocated to each group of public utilities, subject to reduction as herein provided, to the public utilities in such group in proportion to their respective gross intrastate operating revenues during

18 the preceding calendar year, except that the total amount so assessed to all such public utilities
19 shall not exceed one-fourth of one percent of the total gross intrastate operating revenues of all
20 utilities subject to the jurisdiction of the commission.

21 3. The commission shall render a statement of such assessment to each such public
22 utility on or before July first and the amount so assessed to each such public utility shall be paid
23 by it to the director of revenue in full on or before July fifteenth next following the rendition of
24 such statement, except that any such public utility may at its election pay such assessment in four
25 equal installments not later than the following dates next following the rendition of said
26 statement, to wit: July fifteenth, October fifteenth, January fifteenth and April fifteenth. The
27 director of revenue shall remit such payments to the state treasurer.

28 4. The state treasurer shall credit such payments to a special fund, which is hereby
29 created, to be known as "The Public Service Commission Fund", which fund, or its successor
30 fund created pursuant to section 33.571, RSMo, shall be devoted solely to the payment of
31 expenditures actually incurred by the commission and attributable to the regulation of such
32 public utilities subject to the jurisdiction of the commission, as aforesaid. Any amount
33 remaining in such special fund or its successor fund at the end of any fiscal year shall not revert
34 to the general revenue fund, but shall be applicable by appropriation of the general assembly to
35 the payment of such expenditures of the commission in the succeeding fiscal year and shall be
36 applied by the commission to the reduction of the amount to be assessed to such public utilities
37 in such succeeding fiscal year, such reduction to be allocated to each group of public utilities in
38 proportion to the respective gross intrastate operating revenues of the respective groups during
39 the preceding calendar year.

40 5. In order to enable the commission to make the allocations and assessments herein
41 provided for, each public utility subject to the jurisdiction of the commission as aforesaid shall
42 file with the commission, within ten days after August 28, 1996, and thereafter on or before
43 March thirty-first of each year, a statement under oath showing its gross intrastate operating
44 revenues for the preceding calendar year, and if any public utility shall fail to file such statement
45 within the time aforesaid the commission shall estimate such revenue which estimate shall be
46 binding on such public utility for the purpose of this section.

47 **6. Prior to the beginning of each fiscal year beginning with the fiscal year**
48 **commencing on July 1, 2002, the commission shall request from the office of the public**
49 **counsel an estimate of the costs to be incurred by the public counsel reasonably**
50 **attributable to the representation of utility customers. The commission shall assess this**
51 **amount to the public utilities subject to the jurisdiction of the commission, subject to**
52 **reduction as herein provided, in proportion to their respective gross intrastate operating**
53 **revenues during the preceding calendar year; provided that the total amount so assessed**

54 on behalf of public counsel shall not exceed three one-hundredths of one percent of the
55 total gross intrastate operating revenues of all utilities subject to the jurisdiction of the
56 commission.

57 7. The commission shall render a statement for the public counsel assessment to
58 each such public utility on or before July first and the amount so assessed to each such
59 public utility shall be paid by it to the director of revenue in full on or before July fifteenth
60 next following the rendition of such statement; except that any such public utility may at
61 its election pay such assessment in four equal installments not later than the following dates
62 next following the rendition of such statement, to wit: July fifteenth, October fifteenth,
63 January fifteenth, and April fifteenth. The director of revenue shall remit such payments
64 to the state treasurer.

65 8. The state treasurer shall credit payments received for the public counsel to a
66 special fund, which is hereby created, to be known as the "Public Counsel Fund" with such
67 fund to be devoted solely to the payment of expenditures actually incurred by the public
68 counsel and attributable to its representation of utility customers. Notwithstanding the
69 provisions of section 33.080, RSMo, any amount remaining in such special fund at the end
70 of any fiscal year shall not revert to the general revenue fund, but shall be applicable by
71 appropriation of the general assembly to the payment of such expenditures of the public
72 counsel in the succeeding fiscal year and shall be applied by the commissioner to the
73 reduction of the amount to be assessed to such public utilities in such succeeding fiscal
74 year, such reduction to each public utility in proportion to their respective gross intrastate
75 operating revenues during the preceding calendar year.

Section B. Because immediate action is necessary to ensure that the interests of the
2 utility customers continue to be represented in cases before the public service commission
3 section A of this act is deemed necessary for the immediate preservation of the public health,
4 welfare, peace, and safety, and is hereby declared to be an emergency act within the meaning of
5 the constitution, and section A of this act shall be in full force and effect upon its passage and
6 approval.